REMARKS

Applicants thank the Examiner for the detailed Office Action dated September 8, 2004. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-42 were pending in the application.

Claims 1-7, 14-26, 31-32, and 38-42 are requested to be cancelled without prejudice or disclaimer.

Claims 8, 13, 27, 30, 34, and 36 are currently being amended.

Claims 43-70 are being added.

After amending the claims as set forth above, claims 8-13, 27-30, 33-37, and 43-70 are now pending in this application.

Claim Rejections – 35 U.S.C. § 102

On page 2 of the Office Action, claims 1-3 and 23-26 were rejected under 35 U.S.C. § 102 as being unpatentable over U.S. Patent No. 3,931,494 ("Fisher et al."). Applicants note that claims 1-3 and 23-26 have been canceled without prejudice or disclaimer to allow Applicants to focus on other claims.

Claim Rejections – 35 U.S.C. § 103(a)

On page 2 of the Office Action, claims 1-4, 6, 7, 14-17, 19, 20-27, 29-31 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,794,228 ("Braun, Jr."). Applicants respectfully traverse the rejection. None of the cited references, alone or in combination, disclose, teach, or suggest Applicants' invention as claimed.

Applicants note that claims 1-7, 14-17, 19, and 20-26 have been canceled. Of the remaining rejected claims, claims 27 and 30 are in independent form. The remainder of the rejected claims depend from claims 27 or 30. Braun, Jr. does not disclose, teach, or suggest

the subject matter recited in independent claims 27 and 30, as amended, because the proposed modification of Braun, Jr. does not disclose, teach or suggest the combination of elements recited in claims 27 and 30 including, among other elements, a serving cart having a surface of stone as recited in claim 27 or positioning serving dishes on a counter which comprises engineered stone as recited in claim 30. Accordingly, the Applicants request withdrawal of the rejection of claims 27, 29-31 and 33 under 35 U.S.C. § 103(a).

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On page 3 of the Office Action, claims 1, 5, 8-13, 14, 18, 27-28, 30-32 and 34-37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,413,032 ("Bruno et al.") in view of U.S. Patent No. 4,237,368 ("Welch"). Applicants respectfully traverse the rejection. None of the cited references, alone or in combination, disclose, teach, or suggest Applicants' invention as claimed.

Applicants note that claims 1, 5, 14, 18, and 31-32 have been canceled. Claims 8, 27, 30, and 34 are in independent form. The remaining rejected claims that are still pending depend from these independent claims.

Bruno et al. in combination with Welch, would not result in the subject matter recited in independent claims 8, 27, 30, and 34, as amended. With regard to claim 8, the proposed modification of Bruno et al. in combination with Welch does not disclose, teach or suggest the system comprising the "counter," "heating element," and the "power source" which includes a "portable electrical power generating device" as recited in claim 8. Specifically, the power source disclosed in Bruno et al. and Welch is not portable. Furthermore, there is no motivation to combine a portable electrical power generating device with the "restaurant type griddle" shown in Bruno et al. nor with the "glass-ceramic cooktops" of "domestic ranges" and "built-in counter cooktops" (Welch col. 1, lines 23-37) shown in Welch. Bruno et al. specifically teaches the use of the "restaurant type griddle" with power from the power company. (Bruno et al. col. 2, lines 25-29.)

With regard to claim 27, the proposed modification of Bruno et al. in combination with Welch does not disclose, teach or suggest the system comprising the "serving cart,"

comprising the "surface which comprises stone," the "heating element," and the "power source" which includes "at least one of a battery or a fuel cell" as recited in claim 27. The combination of Bruno et al. and Welch is deficient for many of the same reasons explained in connection with claim 8. Furthermore, neither Bruno et al. nor Welch disclose, teach, or suggest the use of a serving cart. Rather, both references teach away from the use of a serving cart by disclosing a "restaurant type griddle" and "domestic ranges" or "built-in counter cooktops."

With regard to claims 30 and 34, Bruno et al. in combination with Welch does not disclose, teach or suggest the method of claim 30 nor the system of claim 34, as amended. For example, claim 30 recites, among other elements, positioning serving dishes on "a counter which comprises engineered stone," which is not disclosed, taught, or suggested by Bruno et al. or Welch. Also claim 34 recites, among other elements, a "system" including "a counter which comprises quartz and at least approximately 2 wt.% organic resin," which is not disclosed, taught, or suggested by Bruno et al. or Welch.

The subject matter recited in independent claims 8, 27, 30, and 34 and the claims which are dependent thereon, considered as a whole, would not have been obvious to a person having ordinary skill in the art and are patentable. Accordingly, the Applicants request withdrawal of the rejection under 35 U.S.C. § 103(a).

* *

On page 3 of the Office Action, claims 38-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Braun, Jr. in view of U.S. Patent No. 6,528,768 ("Simic-Glavaski"). Applicants have canceled claims 38-42 without prejudice or disclaimer in order for Applicants to focus on other claims.

New Claims

Applicants have added new claims 43-70, which Applicants submit are allowable over the references of record. Accordingly, Applicants respectfully request allowance of claims 43-70.

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The Applicants respectfully submit that each and every outstanding objection and rejection has been overcome, and the present Application is in a condition for allowance. The Applicants request reconsideration and allowance of pending claims.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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